

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 18-579V

UNPUBLISHED

HOLLY A. BURGESS, Personal  
Representative of the Estate of Sharen  
Kraft,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 14, 2021

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Guillain-  
Barre Syndrome (GBS)

*Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for Petitioner.*

*Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for  
Respondent.*

### **DECISION AWARDING DAMAGES**<sup>1</sup>

On April 23, 2018, Sharen Kraft filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that Sharen Kraft suffered from Guillain-Barre Syndrome (“GBS”) as a result of an influenza vaccine administered on October 4, 2015. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 31, 2019, a ruling on entitlement was issued, finding Petitioner entitled to compensation for GBS. On October 12, 2021, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$139,795.30 (consisting

<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

of \$137,500.00 for pain and suffering and \$2,295.30 for past unreimbursed expenses). Proffer at 1. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$139,795.30 (comprised of \$137,500.00 for pain and suffering and \$2,295.30 for past unreimbursed expenses) in the form of a check payable to Petitioner, Holly A. Burgess, as the legal representative of the Estate of Sharen Kraft.**<sup>3</sup> This amount represents compensation for all damages that would be available under Section 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Holly A. Burgess has demonstrated that she is the legal representative of Ms. Kraft's estate. Ex. 15.

<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

	)	
HOLLY A. BURGESS, Personal	)	
Representative of the Estate of	)	
SHAREN KRAFT,	)	
	)	No. 18-579V
Petitioner,	)	Chief Special Master Corcoran
	)	ECF
v.	)	
	)	
SECRETARY OF HEALTH AND HUMAN	)	
SERVICES,	)	
	)	
Respondent.	)	

On April 23, 2018, Sharen Kraft filed a petition for vaccine injury compensation alleging that she suffered Guillain-Barre Syndrome (“GBS”) as result of a flu vaccine administered on October 4, 2015. On May 30, 2019, respondent conceded that entitlement to compensation was appropriate under the terms of the Vaccine Act. On May 31, 2019, the special master issued a Ruling on Entitlement finding that petitioner was entitled to compensation. On July 28, 2019, Sharen Kraft died of causes unrelated to GBS. On October 18, 2019, Holly A. Burgess was substituted as petitioner.

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$139,795.30, consisting of pain and suffering (\$137,500.00) and past unreimbursed expenses (\$2,295.30), which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

## **II. Form of the Award**

Respondent recommends that the compensation provided to petitioner be made through a lump sum payment of \$139,795.30 in the form of a check payable to petitioner as the legal representative of the Estate of Sharen Kraft, deceased.<sup>1</sup> Petitioner agrees.

Respectfully submitted,

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DATED: October 12, 2021

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<sup>1</sup> Holly A. Burgess, personal representative of the Estate of Sharen Kraft, deceased has demonstrated that she is the legal representative of Ms. Kraft's Estate for the purposes of 42 U.S.C. § 300aa-11(b)(1)(A). See Petitioner's Exhibit 15.